

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

SOLOMON LEE/MILLSAP
ADC #113121

PLAINTIFF

V.

NO: 5:06CV00173 JMM

SANDRA BROWN *et al.*

DEFENDANTS

ORDER

Plaintiff, a state inmate proceeding *pro se*, has filed a notice of appeal with the United States Court of Appeals, Eighth Circuit (docket entry #7). However, Plaintiff has failed to file the \$455.00 filing and docketing fee or an application to proceed *in forma pauperis*, as set forth in this Court's August 9, 2006, notice (docket entry #8). Therefore, pursuant to *Henderson v. Norris*, 129 F.3d 481 (8th Cir. 1997), this Court shall assess an initial partial filing fee of \$35.00. Upon payment of that initial partial filing fee, Plaintiff will be obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to plaintiff's trust account each time the amount in the account exceeds \$10.00. The Arkansas Department of Correction ("ADC") is required to send to the Clerk of the Court the initial partial filing fee and thereafter payments from Plaintiff's prison trust account each time the amount in the account exceeds \$10.00, until the statutory filing, and docketing fee of \$455.00 is paid in full. 28 U.S.C. § 1915(b)(2).

IT IS THEREFORE ORDERED THAT:

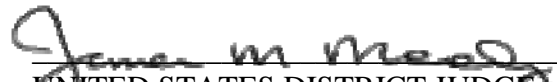
1. The Director of the ADC, or his designee, shall collect from Plaintiff's prison trust account an initial partial appellate filing fee in the amount of \$35.00, and shall forward the amount to the Clerk of the Court. Said payment shall be clearly identified by the name and number assigned

to this action.

2. Thereafter, the Director of the ADC, or his designee, shall collect from Plaintiff's prison trust account the \$420.00 balance of the appellate filing and docketing fee by collecting monthly payments from Plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of the Court each time the amount in the account exceeds \$10.00 in accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly identified by the name and number assigned to this action.

3. The Clerk of the Court is directed to send a copy of this order to the ADC Compliance Office, P.O. Box 20550, Pine Bluff, AR 71612; to the ADC Trust Fund Centralized Banking Office, P.O. Box 8908, Pine Bluff, AR 71611; and to the Warden of the East Arkansas Regional Unit, P.O. Box 180, Brickeys, AR 72320-0180.

DATED this 14 day of November, 2006.


UNITED STATES DISTRICT JUDGE